PRESS RELEASE
House Armed Services Committee
Floyd D. Spence, Chairman

STATEMENT OF CHAIRMAN FLOYD D. SPENCE
MARK UP OF HR 850

Today the committee meets to mark up H.R. 850, the Security and Freedom Through Encryption (SAFE) Act. This bill was referred to 5 committees, including the Armed Services Committee. With the Intelligence and International Relations committees having acted last week, our committee is the last to act before our referral period expires on Friday.

For many members of the committee, today's proceedings and debate will sound familiar. The policy and process issues we confront on this legislation today are nearly identical to those we faced two years ago in the 105th Congress, on a very similar bill.

Like then, we mark up this bill today after four other committees have acted, all which have taken varying positions in support of or opposition to the introduced bill.

Like then, we mark up this bill after having heard compelling testimony from the most senior law enforcement and national security officials of the United States that this legislation would seriously damage national security and place public safety at risk.

Like then, we are being asked once again to render judgment on the difficult question of how best to balance the commercial interests of industry against the national security challenges facing the United States in a dangerous world.

And like then, this committee will stand as one of the last hurdles that proponents of this legislation must clear before bringing legislation to the House floor that could dramatically alter how our nation conducts its law enforcement and national security functions.

This legislation has two principal components. The first would effectively ban the government from mandating the use of a certain type of encryption technology, even though the Department of Defense and others have testified that such technology is essential to the safe and secure operation of their agencies.

The second part would effectively outlaw the use of export controls by the government necessary to regulate the flow of the most sophisticated encryption technology around the world. Think about it for a moment. This bill proposes to have Congress prevent any President from acting on the sound and expert

(MORE)

advice of the intelligence, defense and law enforcement communities to keep certain encryption products out of the hands of drug traffickers, terrorists, and potential adversaries of the United States.

After the revelations contained in the Cox and Rumsfeld reports, it frankly amazes me, that we are (1) even having this debate and (2), that those of us arguing on behalf of law enforcement and national security are the underdogs.

For these reasons, I have been working with Mr. Skelton, Mr. Weldon, Mr. Sisisky, Mr. Andrews, Mr. Abercrombie and others to find an alternative approach to H.R. 850. Our objective was to arrive at a mechanism that recognizes the fast pace of change in technology and the global marketplace, but errs on the side of ensuring that any President maintains sufficient authority to protect law enforcement and national security interests.

I believe that the substitute amendment that will be considered in a few minutes does just that. It will make sure that the federal government is not arbitrarily handicapped in its ability to protect public safety and national security. But it also recognizes the need for flexibility in this fast changing technological sector by giving the President the tools necessary to strike a balanced national policy.

I commend our colleagues for their interest and leadership in bringing forward their amendment and for their commitment to ensuring that we maintain a balanced but prudent security-based policy on encryption. I strongly support the Weldon-Sisisky-Andrews amendment and urge all of our colleagues to support it.

Let me now recognize the committee's Ranking Democrat, Mr. Skelton, for any opening remarks he may wish to make.

###